

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LYNN PHIPPS,

Plaintiff,

:

Case No. 3:08-cv-365

- vs -

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

COMMISSIONER OF SOCIAL
SECURITY,

:

:

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #13), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Commissioner's decision that Plaintiff is not disabled is REVERSED. This matter is remanded to the Commissioner for any further administrative proceeding necessary for a determination of whether Plaintiff is disabled.

October 27, 2009.

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge